

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

On this the 6th day of October, 2014 the City Council of the City of Aransas Pass convened in a Regular Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Adan Chapa Mayor
 Vickie Abrego Mayor Pro Tem
 Ramiro Gomez Council Member
 Billy Ellis Council Member
 Phillip Hyatt Council Member

ABSENT:

ADMINISTRATIVE

PERSONNEL PRESENT: Sylvia Carrillo City Manager
 Allen Lawrence City Attorney

ADMINISTRATIVE

PERSONNEL ABSENT:

STAFF PRESENT: Yvonne Stonebraker City Secretary
 Bill Haines Emergency Management Coordinator
 Eric Blanchard Police Chief
 Rickie Kilgore Fire Chief
 J.P. Gonzales Head Meter Reader
 James Hale Street Superintendent

OTHERS PRESENT: Janie Moreno, Lisa Hale, Hope Pena, Ricky & Priscilla White, Phyllis & Sam Brown, Mack, Kathy & Kayli Oliver, Steve Warren, Don Brummett, John Barrera, Lee McClelland, Don McTee, Carol Salinas, Shawn Millerk, Juan Perales, Jr, Luke & April Sasser, Lori, Jay & JT Little, Bradley & Stacy Wright, Stephanie Woods, Erica Murphy, Courtney Jones, Tonya Chamberlain, Oscar Noriega, Jr., Rodolfo Santos, Simon Rangel, Katie Trout, Roberto Salinas, Vickie Smith, Nathaniel Freeman, Holly Lewis, and Russell Walker.

There may have been others present who did not sign in.

1. **CALL MEETING TO ORDER.**

Mayor Chapa opened the meeting at 7:00 P.M.

2. **INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.**

Mayor Chapa led the Invocation and the Pledge of Allegiance to the United States Flag.

3. **CONSENT AGENDA – “All of the following items on the Consent Agenda are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember so requests. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately”.**

A. **Ordinance No. 2014-4087** - An ordinance modifying Chapter 28 – Traffic; Article II – Operation of

vehicle; Section 28-22. – Same. – Certain streets and highways; to include Harbor Island Road, 35 miles per hour.

- B. **Ordinance No. 2014-4088** – An ordinance modifying Chapter 30 – Vehicles for hire; Article II – Taxicabs; Division 1. Generally – Section 30-22 – Police officers powers and duties, Section 30-25 – Franchise permit fee; Division 3. License – Section 30-58 – Failure to comply with city, state, and federal laws; Division 5. Vehicle condition and equipment – Section 30-80 – Periodic inspection, correction of defects and Section 30-82 – Required safety equipment, dash, dome, and directional lights.
- C. **Ordinance No. 2014-4089** – An ordinance of the City of Aransas Pass approving the rezoning of Tract 8 and the West ½ of Tract 9, Block 205, Burton and Danforth Subdivision, City of Aransas Pass, from (R-10) Single-Family Dwelling District to (PD)Planned Development District.
- D. **Ordinance No. 2014-4090** – An ordinance of the City of Aransas Pass, Texas, amending Ordinance No. 1308 Zoning Ordinance of the City of Aransas Pass, Section 12-210 thereof, to amend residential off-street parking requirements; providing a repealer clause; and, providing for an effective date.

Motion Made By: Council Member Hyatt

Seconded By: Council Member Ellis

Votes: Aye Hyatt, Ellis, Gomez, Abrego, Chapa

Nay:

Discussion: Council Member Hyatt made a motion to approve the consent agenda with a correction to the 2014-4087 ordinance. Council Member Ellis seconded the motion and the motion carried unanimously.

14. CITIZENS' COMMENTS

Name: Hope Pena

Address: 1514 S. McCampbell, A.P., TX

Concern: Facility License Agreement between the City of Aransas Pass and Roland Pena

Departments Affected: Parks

Name: Phyllis Bown and son, Sam Bown

Address: 667 Lisa Ann, Aransas Pass, TX

Concern: Sam had gastric bypass in February 2014 and has lost 60 pounds thanks to Mack Oliver's gym.

Departments Affected: Harbor, City Manager

Name: Donald Brummett

Address: 902 S. Rife, Aransas Pass, TX

Concern: Thanked council for moving citizens comments to beginning of council meetings;

Departments Affected: Council

Name: John Barrera

Address: 3850 Lynda Lee, Corpus Christi, TX

Concern: Instructor for Mack Oliver's gym. Takin children who cannot pay, foster children and troubled youth. It's a privilege working with those children.

Departments Affected: Parks

Name: Pastor Luke Sasser

Address: 128 N McCampbell, Aransas Pass, TX

Concern: Mack Oliver runs a great gym and does not charge the children who can't afford to pay.

Departments Affected: Harbor, City Manager

Name: J.T. Little

Address: 226 Side Street, Rockport, TX

Concern: Before joining Mr. Oliver's gym, he was very shy and quiet. Mr. Oliver has taught him to overcome his fears and has created a family among gym members.

Departments Affected: Harbor, City Manager

Name: Stephanie Woods

Address: 2029 McMullin, Aransas Pass, TX

Concern: Would like softball league to continue. Have been playing softball five years and met fiance on the field.

Departments Affected: Parks

Name: Oscar Noriega, Jr. , Umpire

Address: 900 Touchstone, Sinton, TX

Concern: Heard softball league would only get 1 field and softball league needs 2 fields.

Departments Affected: Parks

Name: Rodolfo Santos

Address: 104 Wendi Lane, Aransas Pass, TX

Concern: People come from as far as the valley and play on the Aransas Pass softball fields.

Departments Affected: Parks

Name: George (?)

Address: 2316 Armstrong Rd, Aransas Pass, TX

Concern: Moved back from Fort Worth, Texas weighing 255. Now is at 205 thanks to Mack Oliver's gym.

Departments Affected: Harbor, City Manager

Name: Roberto Salinas

Address: 2547 Avenue B, Ingleside, TX

Concern: Works at Kiewit and has been utilizing the softball fields for 3 years. Keiwit has had a tournament at the softball fields for the past 4 years.

Departments Affected: Parks

Name: Nathaniel Freeman

Address: 1682 Mooney Lane, Ingleside, TX

Concern: Is a coach at Mack Oliver's gym and suffers from Post Traumatic Stress Disorder. Mack Oliver has helped him tremendously.

Departments Affected: Harbor, City Manager

Name: Holly Lewis

Address: 1682 Mooney Lane, Ingleside, TX

Concern: When Ms. Lewis hears Aransas Pass, she thinks of Mack Oliver. Mack Oliver doesn't touch just one person, he touches their entire family. Ms. Lewis asks the City of Aransas Pass to give Mr. Oliver a helping hand.

Departments Affected: Harbor, City Manager

Name: Russell Walker

Address: 1102 W. Young, Aransas Pass, TX

Concern: Grandson attends Mr. Oliver's gym. Agrees with Ms. Lewis.

Departments Affected: Harbor, City Manager

4. CONSIDER AND ACT ON OFFER TO PURCHASE TAX RE-SALE PROPERTY SUIT NO. S-04-1427-TX; ARANSAS PASS INDEPENDENT SCHOOL DISTRICT, SAN PATRICIO COUNTY AND CITY OF ARANSAS PASS VS. TIMBERON, LLC., ET AL; ACCT. NO. 1783-0001-0001-009; LOTS 1-9, STUARTS ADDITION, SAN PATRICIO COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 1, PAGE 38, MAP RECORDS OF SAN PATRICIO COUNTY, TEXAS.

Motion Made By: Mayor Pro Tem Abrego

Seconded By: Council Member Hyatt

Votes: Aye Abrego, Hyatt, Gomez, Ellis, Chapa

Nay:

Discussion: City Manager Carrillo stated the property was located on an unimproved section of Rife Street and the purchaser Kevin Pawlik lives on Houston Street with referenced property being his back yard.

Mayor Pro Tem Abrego made a motion to approve Mr. Pawlik's bid of \$11,245 for tax re-sale property Suit No. S-04-1427-TX; Aransas Pass Independent School District, San Patricio County and City of Aransas Pass vs. Timberon, LLC., et al; Acct. No. 1783-0001-0001-009; Lots 1-9, Stuarts Addition, San Patricio County, Texas, according to the map or plat thereof, recorded in Volume 1, Page 38, Map Records of San Patricio County, Texas. Council Member Hyatt seconded the motion and the motion carried unanimously.

5. **CONSIDER AND ACT ON APPROVING FINANCE DEPARTMENT ITEMS:**

A. CONTRACT BETWEEN THE CITY OF ARANSAS PASS AND BRENDA MCELWEE, PC FOR FYE 2013-2014 AUDIT.

Motion Made By: Council Member Ellis

Seconded By: Council Member Gomez

Votes: Aye Ellis, Gomez, Abrego, Hyatt, Chapa

Nay:

Discussion: Finance Director Donna Cox stated Brenda McElwee submitted a contract for audit services with a fee of \$39,500 for 1 year or \$37,500 for a 2 year term

Council Member Ellis made a motion to approve a contract between the City of Aransas Pass and Brenda P. McElwee for FYE 2013-2014 Audit for a 2 year term with a fee of \$37,500. Council Member Gomez seconded the motion and the motion carried unanimously.

B. PROCEDURE AND AUTHORITY FOR INSTALLATION OF BACKFLOW PREVENTERS REQUIRED BY STATE LAW FOR THE PROTECTION OF THE WATER SYSTEM.

Motion Made By: Mayor Pro Tem Abrego

Seconded By: Council Member Hyatt

Votes: Aye Abrego, Hyatt Gomez, Ellis, Chapa

Nay:

Discussion: **Tabled**

6. **CONSIDER AND ACT ON APPOINTING MEMBERS TO THE FOLLOWING BOARDS:**

A. ARANSAS PASS MUNICIPAL DEVELOPMENT DISTRICT

B. ARANSAS PASS CRIME CONTROL AND PREVENTION DISTRICT

Motion Made By: Council Member Hyatt

Seconded By: Mayor Pro Tem Abrego

Votes: Aye Hyatt, Abrego, Gomez, Ellis, Chapa

Discussion: City Manager Carrillo stated there were no new applications for either board received. She stated the applicants are all re-appointments.

Council Member Hyatt made a motion to approve the re-appoints of Mr. Edelmiro Garcia, Ms. Elizabeth Dorris, Mr. Stephen Walls and Mr. Byron McLaughlin to the Aransas Pass Municipal Development District and Ms. Karen Mayer, Mr. Donald Brummett and Ms. Naomi Freeze to the Aransas Pass Crime Control and Prevention District. Mayor Pro Tem Abrego seconded the motion and the motion carried unanimously.

7. **CONSIDER AND ACT ON AWARDING BIDS FOR VETERAN'S MEMORIAL PARK AND COMMUNITY PARK DEMOLITION, INSTALLATION, AND CONSTRUCTION OF PARK AND RELATED EQUIPMENT.**

Motion Made By: Mayor Pro Tem Abrego

Seconded By: Council Member Hyatt

Votes: Aye Abrego, Hyatt, Gomez, Ellis, Chapa

Discussion: City Manager Carrillo stated the city received 2 bids for Memorial Park and Community Park. Blake Jacobs submitted a bid for the smaller scale detailed work and Kraftsman (company we purchased equipment from) would complete the demo and installation of park equipment. She stated staff recommends awarding bid to both contractors.

Mayor Pro Tem Abrego made a motion to approve awarding bid to Blake Jacobs for smaller scale detailed work for \$35,000 and awarding bid to Kraftsman for demo and installation of park equipment for \$30,000. Council Member Hyatt seconded the motion and the motion carried unanimously.

8. **CONSIDER AND ACT ON APPROVING PURCHASE AND INSTALLATION OF DOWNTOWN LIGHTING IMPROVEMENTS**

Motion Made By: Mayor Pro Tem Abrego

Seconded By: Council Member Gomez

Votes: Aye Abrego, Gomez, Ellis, Hyatt, Chapa

Nay:

Discussion: Mayor Pro Tem Abrego made a motion to approve purchase of all lighting to replace existing lighting for \$42,000; purchase of Christmas decorations for \$32,063 and purchase of electrical and permitting work for \$10,000 for a total of \$84,063. Council Member Gomez seconded the motion and the motion carried unanimously. (\$500,000 was slated for downtown improvements.)

9. **CONSIDER AND ACT ON MACK OLIVER WATERBILL AT 518 BIGELOW, CONN BROWN HARBOR.**

Motion Made By: Council Member Gomez

Seconded By: Mayor Pro Tem Abrego

Votes: Aye Gomez, Abrego, Ellis, Hyatt, Chapa

Nay:

Discussion: City Manager Carrillo stated Mr. Oliver entered into a lease with the City of Aransas Pass granting him the right to use 518 Bigelow rent free but had to pay his own utility bills. Utility service was ever established. She stated, the city could not do business with any person owing the city money. She stated Mr. Oliver had lost his 501 (c) 3 status but has recently applied for it. She stated with Mr. Oliver losing his 501 (c) 3 status, he is now non-compliant with his lease agreement.

Mr. Mack Oliver stated he had a payment plan with the city to pay back money owed. He stated 518 Bigelow had been leased to a business and he has moved his belongings to another building on the harbor that is slated for demolition. He stated he could not afford to rent a building.

City Manager Carrillo stated staff would help look for a building for Mr. Oliver.

Council Member Gomez made a motion to dismiss Mr. Mack Oliver's waterbill of \$4,230.76 for 518 Bigelow. Mayor Pro Tem Abrego seconded the motion and the motion carried unanimously.

10. **REVIEW AND DISCUSS ROLAND PENA'S FACILITY LICENSE AGREEMENT WITH THE CITY OF ARANSAS PASS.**

Discussion: City Manager Carrillo stated Mr. Pena has been notified of the upcoming improvements to Community Park. She stated the softball fields would be moved to the Little League Area of the Park and Mr. Pena is concerned the leagues would not operate in a peaceful manner.

11. **CONSIDER AND ACT ON CITY OF ARANSAS PASS AND ARANSAS PASS POLICE DEPARTMENT FINANCING NATIONAL NIGHT OUT AT THE ARANSAS PASS AQUATIC CENTER ON TUESDAY, OCTOBER 7, 2014.**

Motion Made By: Council Member Hyatt

Seconded By: Council Member Ellis

Votes: Aye Hyatt, Ellis, Gomez, Abrego, Chapa

Discussion: Council Member Hyatt made a motion to approve the City of Aransas Pass and Aransas Pass Police Department financing National Night Out at the Aransas Pass Aquatic Center on Tuesday, October 7, 2014. Council Member Ellis seconded the motion and the motion carried unanimously.

12. CONSIDER AND ACT ON APPROVING ARANSAS PASS POLICE DEPARTMENT ITEMS:

A. ORDINANCES TO INCLUDE SIGNAGE LANGUAGE – CELL PHONE, CAMPING, DISCHARGE OF FIREARMS.

B. MEMORANDUM OF UNDERSTANDING BETWEEN ARANSAS PASS POLICE DEPARTMENT AND CHILDREN'S' ADVOCACY CENTER OF THE COASTAL BEND.

C. POLICE DEPARTMENT'S PURCHASE OF FOUR NEW FORD POLICE SUV INTERCEPTORS FROM COMMERCIAL FORD AND THE PURCHASE OF CUSTOMARY EMERGENCY EQUIPMENT, AS NEEDED, INCLUDING INSTALLATION OF SAID EQUIPMENT AN AMOUNT NOT TO EXCEED \$180,000.00.

D. ACCEPTING ALLSTATE INSURANCE FUNDS, RECEIVED BY THE CITY FOR THE CRASH INVOLVING A POLICE SUV INTERCEPTOR ON 08/06/2014, AND USING TOWARDS THE PURCHASE OF THE NEW FORD POLICE SUV'S.

Motion Made By: Council Member Ellis

Seconded By: Mayor Pro Tem Abrego

Votes: Aye Ellis, Abrego, Gomez, Hyatt, Chapa

Nay:

Discussion: Police Chief Blanchard stated A – required signage language; B – renewing the MOU with Children's Advocacy Center of the Coastal Bend; C – authorizing Police Department to purchase 4 new vehicles and D – accepting insurance money for the police departments totaled SUV Interceptor and using check toward the purchase of the 4 new vehicles.

Council Member Ellis made a motion to approve A; B; C; and D in one fluid motion. Mayor Pro Tem Abrego seconded the motion and the motion carried unanimously.

13. CITY MANAGER UPDATES: MODIFYING ARANSAS PASS AQUATIC CENTER HOURS OF OPERATION; REIMBURSEMENT BOND ITEM.

Discussion: City Manager Carrillo stated Wednesday, November 19 is the 1st Annual Feast of Sharing, the City of Aransas Pass has partnered with Allen Samuels (\$1,500 donation) and HEB (\$2,500 donation) to accomplish the dinner. City staff would also like to put together Thanksgiving baskets for home delivery. Aquatic Centers last day of operation will be Saturday, October 18, 2014 (low attendance and not enough lifeguards). Community Clean-up will be scheduled within the next month. Demolition at the harbor is slated to begin tomorrow, Tuesday September 16 and should be a 4 month process. Staff has begun clean-up in front of City Hall in preparation of Christmas decorations. City staff is seeking sponsors for "Families for Christmas".

15. RECESS OPEN MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE.

Mayor Chapa recessed the Open Meeting and retired into Executive Session at 8:27 PM.

A. SECTION 551.072 – DELIBERATIONS REGARDING REAL PROPERTY – CONN BROWN HARBOR DEVELOPMENT

B. SECTION 551.071 – CONSULTATION WITH CITY ATTORNEY – LEGAL MATTERS – NAISMITH ENGINEERING

16. RECONVENE OPEN MEETING AND CONSIDER AND ACT ON FINDINGS OF EXECUTIVE SESSION.

Mayor Chapa reconvened the Open Meeting at 9:07 PM.

**A. SECTION 551.072 – DELIBERATIONS REGARDING REAL PROPERTY – CONN BROWN
HARBOR DEVELOPMENT**

Motion Made By: Council Member Hyatt
Seconded By: Council Member Ellis
Votes: Aye Hyatt, Ellis, Gomez, Abrego, Chapa
Nay:

Discussion: Council Member Hyatt made a motion to approve

**B. SECTION 551.071 – CONSULTATION WITH CITY ATTORNEY – LEGAL MATTERS – NAISMITH
ENGINEERING**

Discussion: **No Action.**

17. ADJOURNMENT OF MEETING.

Motion Made By: Council Member Ellis
Seconded By: Mayor Pro Tem Abrego
Votes: Aye Ellis, Abrego, Gomez, Hyatt, Chapa
Nay:

Discussion: Council Member Hyatt made a motion to adjourn the meeting. Council member Ellis seconded the motion and the motion carried unanimously.

Mayor Chapa adjourned the City Council meeting at 9:08 PM.

Adan Chapa, Mayor

Yvonne Stonebraker, City Secretary